

July 17, 2002

LEGAL NOTICE

The Montana Department of Environmental Quality (DEQ), Environmental Management Bureau in Helena, MT and the US Forest Service (USFS), Pintlar Ranger District in Deerlodge, MT have completed a comprehensive five-year bond review for ASARCO, Inc.'s (ASARCO) Black Pine Mine as required by the Metal Mine Reclamation Act, Sections 82-4-301, et. seq., MCA.

Operating Permit 00063 was issued to Black Pine Mining Co. in 1974 for an underground mine that produced copper, silver, gold and silica. The Black Pine Mine is on patented and USFS lands 8 miles northwest of Philipsburg, MT in the Smart Creek drainage in Granite County. The Black Pine Mine permit area is located in portions of Sections 7, 8, 9, 16, 17, 18, 19 and 21, Township 8N, Range 14W.

The agencies have determined as part of the bond review process that an increase in the bond is required to guarantee reclamation of the 29 acres of permitted disturbance at the site, including long-term water treatment and enhancement of the reclamation cover for the waste rock dump. A draft bond determination proposing to increase the bond to \$8,074,500 was published in early April and late May of this year.

The only comments received on the draft bond determination were from ASARCO. The agencies have reviewed the comments and have concluded that the final bond determination is the same as the draft bond. A copy of the bond calculations that form the basis for the final interim bond determination can be obtained by contacting the Montana Department of Environmental Quality, Environmental Management Bureau, P. O. Box 200901, 1520 E. Sixth Ave., Helena, MT 59620-0901, or by calling Patrick Plantenberg at (406) 444-4960.

The permittee or any person with an interest that may be adversely affected by the adjusted bond level may obtain a contested case hearing by filing within 30 days of this notice a written request for a hearing with the Board of Environmental Review, and in the case of the permittee, complying with the other requirements of Section 82-4-338(3)(b), MCA. The request must state the reason for the request and be sent to:

Board of Environmental Review
P. O. Box 200901
Helena, MT 59601